AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
Matthew Brent Carver
DOB: XXXXXX

Defendant(s)

Case: 1:24-mj-00035
Assigned To : Judge G. Michael Harvey
Assign. Date : 1/29/2024
Description: COMPLAINT W/ARREST WARRANT

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the _____ in the District of Columbia, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 231(a)(3)	(Civil Disorder),
18 U.S.C. § 1752(a)(1)	(Entering and Remaining in a Restricted Building or Grounds),
18 U.S.C. § 1752(a)(2)	(Disorderly and Disruptive Conduct in a Restricted Building or Grounds),
40 U.S.C. § 5104(e)(2)(D)	(Disorderly Conduct in a Capitol Building),
40 U.S.C. § 5104(e)(2)(G)	(Parading, Demonstrating, or Picketing in a Capitol Building).

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

[redacted]

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 01/29/2024

Judge's signature

City and state: Washington, D.C. G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

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STATEMENT OF FACTS

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

Matthew Carver's Conduct on January 6, 2021

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Following the riot at the United States Capitol and the unlawful breach of the Capitol Building, law enforcement officers and others reviewed the significant amount of photographic and video footage in order to identify individuals who violated the law on January 6, 2021. Various photographic and video evidence, some of which are shown below, revealed a white male, wearing a maroon shirt, brown vest, blue jeans, a baseball style hat with a winter hat overtop, and brown boots, was present within the restricted perimeter that had been established around the Capitol grounds on January 6, 2021. A "be on the lookout" (BOLO) alert was issued for this individual, using the identifier "AFO-361".

Photograph #361 - AFO E

Photograph #361 - AFO D

Photograph #361 - AFO C

Photograph #361 - AFO B

Photograph #361 - AFO A

Image 1: Photos from FBI's BOLO for AFO-361

In addition to official U.S. Capitol surveillance footage and footage from police officers' body-worn cameras (BWC) from January 6, 2021, many of the videos reviewed by law enforcement officers were publicly available over the internet through video sharing websites and/or social media platforms. Multiple third-party entities created websites which posted and categorized these videos in an effort to identify individuals who might have committed criminal acts. Certain unknown individuals were given a nickname for the logical categorization of their video appearances. The individual described above was given the moniker of "#vestedmess".

AFO-361 was seen on the BWC footage of two Metropolitan Police Department officers on the Upper West Terrace of the U.S. Capitol at approximately 2:50 p.m. AFO-361 is seen taking an aggressive stance and antagonizing the officers, including shouting at them (see image 2 below). As officers advanced in a line to back the crowd away from the Capitol building, AFO-361 stepped in front of a female with a "STAND WITH TRUMP" sign and appeared to push officer T.B., who was holding a baton (see image 3 below). AFO-361 then grabbed officer T.B.'s baton and held onto it for several seconds as officer T.B. attempted to pull the baton away (see images 4-6 below). AFO-361 ultimately let go of the baton as other officers approached him and other rioters pulled him back into the crowd.

Image 2: BWC of Officer K.R. shows AFO-361 take an aggressive stance

Image 3: BWC of Officer K.R. shows AFO-361 push Officer T.B.

Image 4: BWC of Officer T.B. shows AFO-361 grab Officer T.B.'s baton

Image 5: BWC of Officer T.B. shows AFO-361 grab Officer T.B.'s baton

Image 6: BWC of Officer K.R. shows AFO-361 grab Officer T.B.'s baton

Identification of AFO-361 as Matthew Carver

As of November 2021, the FBI received two anonymous tips indicating that a Matthew Carver of [redacted] had admitted on Facebook to storming the U.S. Capitol on January 6, 2021. A search of FBI records returned another anonymous tip, from January 2021, stating that a Matthew Carver was present at the U.S. Capitol on January 6, 2021 and had posted photos and videos from the Capitol online. The anonymous tips did not themselves include photos of Carver or excerpts from his social media profiles.

I have reviewed publicly available social media profiles on both Facebook and Instagram for Matthew Carver. Images posted to those accounts, including the profile images, appeared to match AFO-361. However, Carver's Facebook profile no longer appeared to contain content from January 6, 2021. I have also reviewed a [redacted] driver's license photo of Matthew Carver, which is also consistent with the appearance of AFO-361.

On or about January 18, 2023, Deputy D.M. and I interviewed Matthew Carver at his home. Carver was shown images of himself at the U.S. Capitol on January 6, 2021 (images 2, 4 & 5 above). Carver confirmed that he was the individual pictured. Asked to explain why he had his hands on an officer's baton, Carver stated that officers were being aggressive towards a woman in the crowd. Carver additionally stated that the 2020 presidential election was clearly stolen.

Based on the foregoing, your affiant submits that there is probable cause to believe that Carver violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that Carver violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Your affiant submits there is probable cause to believe that Carver violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any

article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Secret Service's protection of the Vice President and his family and the Capitol Police's protection of the U.S. Capitol.

[redacted]

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 29th day of January 2024.

HONORABLE G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE